

# **RULE 501 GENERAL PERMIT REQUIREMENTS**

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## **CONTENTS**

### **100 GENERAL**

- 101 PURPOSE
- 110 EXEMPTION, GENERAL
- 111 EXEMPTION, VEHICLES
- 112 EXEMPTION, COMBUSTION AND HEAT TRANSFER EQUIPMENT
- 113 EXEMPTION, RESIDENTIAL STRUCTURES
- 114 EXEMPTION, AGRICULTURAL OPERATIONS
- 115 EXEMPTION, COOLING SYSTEMS AND VACUUM CLEANING
- 116 EXEMPTION, COOLING TOWERS
- 117 EXEMPTION, PLASTICS AND CERAMICS PROCESSING
- 118 EXEMPTION, STORAGE AND TRANSFER
- 119 EXEMPTION, SURFACE COATING AND PREPARATION
- 120 EXEMPTION, FOOD PROCESSING
- 121 EXEMPTION, LABORATORY EQUIPMENT
- 122 EXEMPTION, REPAIRS AND MAINTENANCE
- 123 EXEMPTION, OTHER EQUIPMENT

### **200 DEFINITIONS**

- 201 ADMINISTRATIVE PERMIT AMENDMENT
- 202 AFFECTED AIR POLLUTANT
- 203 AGRICULTURAL SOURCE OF AIR POLLUTION OR AGRICULTURAL SOURCE
- 204 ANNIVERSARY DATE
- 205 APPLICABLE REQUIREMENTS
- 206 AUTHORITY TO CONSTRUCT
- 207 COMMENCE
- 208 CONTIGUOUS PROPERTY
- 209 EMISSIONS UNIT
- 210 RESPONSIBLE OFFICIAL
- 211 STARTUP
- 212 STATIONARY SOURCE
- 213 TITLE V PERMITS

### **300 STANDARDS**

- 301 AUTHORITY TO CONSTRUCT
- 302 PERMIT TO OPERATE
- 303 STANDARDS FOR GRANTING APPLICATIONS
- 304 PROVISION OF SAMPLING AND TESTING FACILITIES
- 305 TRANSFER
- 306 PERMIT RENEWAL
- 307 PERFORMANCE TESTING

**400 ADMINISTRATIVE REQUIREMENTS**

- 401 POSTING
- 402 ALTERING OF PERMIT
- 403 APPLICATIONS
- 404 ACTION ON APPLICATIONS
- 405 CONDITIONAL APPROVAL
- 406 DENIAL OF APPLICATIONS
- 407 DISCLOSURE
- 408 EMISSION STATEMENT
- 409 SUSPENSION
- 410 CANCELLATION OF APPLICATION
- 411 CANCELLATION OF PERMIT TO OPERATE
- 412 TEMPORARY PERMIT
- 413 APPEALS
- 414 COMPLIANCE DATES

**500 MONITORING AND RECORDS**

- 501 TESTING PROCEDURES
- 502 MONITORING
- 503 RECORDKEEPING

## 100 GENERAL

**101 PURPOSE:** To provide an orderly procedure for the review of new sources of air pollution and the orderly review of the modification and operation of existing sources through the issuance of permits. Procedures for issuing, modifying, or renewing Title V Permits to Operate for stationary sources that are subject to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, shall also be consistent with the procedures specified in that rule.

**110 EXEMPTION, GENERAL:** The exemptions contained in this rule shall not apply to an otherwise exempt piece of equipment that is part of a process that requires a permit. An Authority to Construct and Permit to Operate shall not be required for the equipment listed in Sections 111 to 123, unless an emissions unit, is:

110.1 Subject to New Source Performance Standards; or

110.2 Subject to National Emission Standards for Hazardous Air Pollutants; or

110.3 Subject to the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM; or

110.4 Emits, in levels deemed appropriate for review by the Air Pollution Control Officer, substances identified as a toxic air contaminant or which are under review pursuant to Health and Safety Code Section 39650 et. seq.; or

110.5 The Air Pollution Control Officer makes a determination that the emission unit may not operate in compliance with the District Rules and Regulations; or

110.6 An emissions unit or stationary source for which emission reduction credits have been requested or granted in accordance with Rule 504, EMISSION REDUCTION CREDITS.

**111 EXEMPTION, VEHICLES:**

111.1 Vehicles used to transport passengers or freight, but not including any article, machine, equipment or other contrivance mounted on such a vehicle that would otherwise require a permit under the provisions of these rules and regulations.

111.2 Locomotives, airplanes and watercraft used to transport passengers or freight. This exemption shall not apply to equipment used for dredging of waterways or equipment used in pile driving adjacent to or in waterways.

**112 EXEMPTION, COMBUSTION AND HEAT TRANSFER EQUIPMENT:**

112.1 Internal combustion engines with a manufacturer's maximum continuous rating of 50 brake horsepower or less or gas turbine engines with a maximum heat input rate of 3,000,000 British Thermal Units (Btu) per hour or less at ISO standard day conditions (288 degrees Kelvin, 60 percent relative humidity, and 101.3 kilopascals pressure). The ratings of all engines or turbines used in the same process will be accumulated to determine whether this exemption applies.

112.2 Any combustion equipment that has a maximum heat input of less than 1,000,000 Btu per hour (gross) and is equipped to be fired exclusively with purchased quality natural gas, liquefied petroleum gas or any combination thereof. The ratings of all combustion equipment used in the same process will be accumulated to determine whether this exemption applies.

- 113 EXEMPTION, RESIDENTIAL STRUCTURES:** Equipment utilized exclusively in connection with any structure, when the structure is designed for and used exclusively as a dwelling for not more than four families.
- 114 EXEMPTION, AGRICULTURAL OPERATIONS:** Equipment used exclusively in the growing of agricultural crops, or in the commercial raising of fowl or other animals. This exemption does not apply to agricultural sources of air pollution or agricultural sources, as defined in this Rule, that are:
- 114.1 Major Stationary Sources or Major Modifications, as defined in Rule 502, NEW SOURCE REVIEW, or
  - 114.2 A stationary source that emits in any 12-month period air contaminant emissions equal to or more than the following quantities of emissions:
    - a. 50 percent of the major source thresholds for regulated air pollutants (excluding HAPs);
    - b. 5 tons per year of a single HAP;
    - c. 12.5 tons per year of any combination of HAPs; and
    - d. 50 percent of any lesser threshold for a single HAP as the U.S. EPA may establish by rule.
- 115 EXEMPTION, COOLING SYSTEMS AND VACUUM CLEANING:** Refrigeration, air conditioning, ventilating, water cooling towers or vacuum cleaning systems not designed to remove air contaminants generated by equipment which would require a permit under these rules and regulations.
- 116 EXEMPTION, COOLING TOWERS:** Water cooling towers that have a circulation rate of less than 10,000 gallons per minute and which are not used for the cooling of process water, water from barometric jets, or water from barometric condensers.
- 117 EXEMPTION, PLASTICS AND CERAMICS PROCESSING:** Ovens, kilns, or furnaces fired by electricity used exclusively for the heating, curing, softening, or annealing of plastics or ceramics, and not emitting more than 5 pounds of Volatile Organic Compound (VOC) emissions in any one day. This Section shall not apply to ovens used for heating or curing of fiberglass reinforced plastics.
- 118 EXEMPTION, STORAGE AND TRANSFER:** Tanks, reservoirs, vessels or other containers and their associated dispensing, pumping and compression systems used exclusively for the storage of:
- 118.1 Liquefied or compressed gases.
  - 118.2 Unheated organic materials with an initial boiling point of 150 degrees Celsius (302 degrees Fahrenheit) or greater, as determined by the testing procedure specified in Section 501.2, or with an organic vapor pressure of 5 mm Hg (0.1 psia) or less at 20°C, as determined by the testing procedure specified in Section 501.3.
  - 118.3 Organic liquids with a vapor pressure of 77.5 mm Hg (1.5 psia) or less at 20°C, as determined by the testing procedure specified in Section 501.3, having a capacity of 23,000 liters (6076 gallons or less). Equipment used exclusively for the transfer of organic liquids with a vapor pressure of 77.5 mm Hg (1.5 psia) at 20°C to or from storage.

118.4 Unheated solvent dispensing containers of 380 liters (100 gallons) capacity or less.

**119 EXEMPTION, SURFACE COATING AND PREPARATION:**

119.1 Water solution for surface preparation, cleaning, stripping, etching (other than chemical milling) or the electrolytic plating with electrolytic polishing of, or the electrolytic stripping of brass, bronze, cadmium, copper, iron lead, nickel, tin, zinc, and precious metals.

119.2 Surface coating operations using a combined total of one gallon per day or less of coating material and solvent.

119.3 Unheated non-conveyorized solvent rinsing containers or unheated non-conveyorized coating dip tanks of 380 liters (100 gallons) capacity or less.

**120 EXEMPTION, FOOD PROCESSING:** The following processing equipment for food or other human consumables and exhaust systems or collectors serving exclusively such equipment:

120.1 Used in eating establishments for the purpose of preparing food for human consumption.

120.2 Smokehouses in which the maximum horizontal inside cross sectional area does not exceed 2 square meters (21.5 square feet).

120.3 Mixers and blenders used in bakeries.

120.4 Confection cookers.

120.5 Used exclusively to grind, blend or package tea, cocoa, spices, or roasted coffee.

**121 EXEMPTION, LABORATORY EQUIPMENT:** Laboratory equipment used exclusively for chemical or physical analysis and bench scale tests, including associated vacuum-producing equipment.

**122 EXEMPTION, REPAIRS AND MAINTENANCE:** Repairs or maintenance not involving changes to any equipment for which a permit has been granted under Section 301 of this rule.

**123 EXEMPTION, OTHER EQUIPMENT:** Unless subject to the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, other equipment authorized for exemption by the Air Pollution Control Officer and which would emit less than 2 pounds in any 24 hour period of any pollutants without the benefit of air pollution control devices.

**200 DEFINITIONS:** Unless otherwise defined below, the terms used in this rule are defined in Rule 502, NEW SOURCE REVIEW; Rule 504, EMISSIONS REDUCTION CREDITS; and Rule 507, FEDERAL OPERATING PERMIT PROGRAM.

**201 ADMINISTRATIVE PERMIT AMENDMENT:** An amendment to a Permit to Operate which:

201.1 Corrects a typographical error; or

- 201.2 Identifies a minor administrative change at the stationary source; for example, a change in the name, address, or phone number of any person identified in the permit; or
- 201.3 Requires more frequent monitoring or reporting by a responsible official of the stationary source; or
- 201.4 Transfers ownership or operational control of a stationary source, provided that, prior to the transfer, the Air Pollution Control Officer receives a written agreement which specifies a date for the transfer of permit responsibility, coverage, and liability from the current to the prospective permittee.
- 202 AFFECTED POLLUTANTS:** Reactive organic compounds (ROC), nitrogen oxides (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), PM<sub>10</sub>, carbon monoxide (CO), lead, vinyl chloride, sulfuric acid mist, hydrogen sulfide, total reduced sulfur, and reduced sulfur compounds, or any other pollutant or precursor for which an ambient air quality standard has been established by the U.S. Environmental Protection Agency or the California Air Resources Board.
- 203 AGRICULTURAL SOURCE OF AIR POLLUTION OR AGRICULTURAL SOURCE:** A source of air pollution or a group of sources used in the production of crops, or the raising of fowl or animals located on contiguous property under common ownership or control that meets any of the following criteria:
- 203.1 Is a confined animal facility, including, but not limited to, any structure, building, installation, barn, corral, coop, feed storage area, milking parlor, or system for the collection, storage, treatment, and distribution of liquid and solid manure, if domesticated animals, including, but not limited to, cattle, calves, horses, sheep, goats, swine, rabbits, chickens, turkeys, or ducks are corralled, penned, or otherwise caused to remain in restricted areas for commercial agricultural purposes and feeding is by means other than grazing.
- 203.2 Is an internal combustion engine used in the production of crops or the raising of fowl or animals, including, but not limited to, an engine subject to Article 1.5 (commencing with Section 41750) of Chapter 3 of Part 4 except an engine that is used to propel implements of husbandry, as that term is defined in Section 36000 of the Vehicle Code, as that section existed on January 1, 2003.
- 204 ANNIVERSARY DATE:** The day and month of issuance of a Permit to Operate and that same day and month of each succeeding year.
- 205 APPLICABLE REQUIREMENTS:** Air quality requirements which a facility must comply pursuant to the District's regulations, codes of California statutory law, the Federal Clean Air Act as amended in 1990 and implementing regulations, other provisions of the United States Code, and the Code of Federal Regulations.
- 206 AUTHORITY TO CONSTRUCT:** A preconstruction permit authorizing construction prior to the starting of construction and conforming to the requirements of Rule 502, NEW SOURCE REVIEW, and Rule 507, FEDERAL OPERATING PERMIT PROGRAM.
- 207 COMMENCE:** As applied to construction, means that the owner or operator has all of the necessary permits or approvals required under state and federal air quality control laws, District Rules and Regulations, and those air quality control laws and regulations which are part of the California State Implementation Plan, and has:

- 207.1 Begun, or caused to begin, a continuous program of on-site construction of the source, to be completed in a reasonable time; or
- 207.2 Entered into binding agreements or contractual obligations which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.
- 208 CONTIGUOUS PROPERTY:** Two or more parcels of land with a common boundary or separated solely by a public roadway or other public right-of-way.
- 209 EMISSIONS UNIT:** An identifiable operation or piece of process equipment such as an article, machine, or other contrivance which controls, emits, may emit, or results in the emissions of any affected air pollutant, regulated air pollutant or Hazardous Air Pollutant (HAP), directly or as fugitive emissions. An emissions unit shall not include the open burning of agricultural biomass.
- 210 RESPONSIBLE OFFICIAL:** An individual with the authority to certify that a source complies with all applicable requirements, including the conditions of permits issued to sources in accordance with Regulation 5, PERMITS. A "responsible official" means one of the following:
- 210.1 For a corporation, a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
- a. The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
  - b. The delegation of authority to such representative is approved in advance by the Air Pollution Control Officer;
- 210.2 For a partnership or sole proprietorship, a general partner or the proprietor, respectively; or
- 210.3 For a municipality, state, federal, or other public agency, either a principal executive officer or a ranking elected official; or
- 210.4 For an acid rain unit subject to Title IV (Acid Deposition Control) of the Clean Air Act, the "responsible official" is the designated representative of that unit for any purposes under Title IV and Rule 507, FEDERAL OPERATING PERMIT PROGRAM.
- 211 STARTUP:** means the setting in operation of a stationary source or emission unit for any purpose.
- 212 STATIONARY SOURCE (SOURCE OR FACILITY):** Any building, structure, facility, or emissions unit which emits or may emit any affected pollutant directly or as fugitive emissions.
- 212.1 Building, structure, facility, or emissions unit includes all pollutant emitting activities which:

- a. Belong to the same industrial grouping; and
- b. Are located on one property or on two or more contiguous properties; and
- c. Are under the same or common ownership, operation, or control or which are owned or operated by entities which are under common control.

212.2 Pollutant emitting activities shall be considered as part of the same industrial grouping if:

- a. They belong to the same two-digit standard industrial classification code under the system described in the 1987 Standard Industrial Classification Manual; or
- b. They are part of a common production process. (Common production process includes industrial processes, manufacturing processes and any connected processes involving a common material.)

212.3 The emissions within District boundaries of cargo carriers associated with the stationary source shall be considered emissions from the stationary source to the extent that emission reductions from cargo carriers are proposed as offsets.

**213 TITLE V PERMITS:** A permit issued, denied, renewed, amended, or reopened pursuant to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, and the Federal Clean Air Act as amended in 1990 (42 U.S.C. Section 7401 et seq.), and Part 70 Code of Federal Regulations, "State Operating Permit Programs".

### 300 STANDARDS

**301 AUTHORITY TO CONSTRUCT:** Any person building, erecting, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause, eliminate, reduce, or control the issuance of air contaminants, shall first obtain authorization for such construction from the Air Pollution Control Officer (APCO) as specified in Section 403 of this rule. An Authority to Construct shall remain in effect until a Permit to Operate the equipment is granted or denied or the application is canceled. With the exception of Authority to Construct permit(s) for stationary sources or equipment units subject to the requirements of Title V of the Federal Clean Air Act as amended in 1990, and pursuant to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, the emissions unit(s) shall not commence operation until the Air Pollution Control Officer takes final action to approve the permit. A stationary source or emission unit subject to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, requirements may commence operation subject to the limitations and restrictions of Rule 507 upon such operation.

301.1 An Authority to Construct, unless extended or application for a Title V operating permit is submitted, shall expire no later than one year following the construction completion date given by the applicant, or no later than two years following the date of permit issuance, whichever occurs first.

301.2 If a written request to extend the Authority to Construct is received by the Air Pollution Control Officer prior to the expiration of the Authority to Construct, an extension may be granted for up to two years if the Air Pollution Control Officer determines that: (1) commencement of construction has occurred, and a good faith effort to complete the project has been made; and (2) the parameters of the project remain the same as in the initial application.



301.3 The Air Pollution Control Officer shall be notified of the anticipated date of initial startup or operation of any permitted article, machine, equipment or other contrivance. Such notice shall be made no less than 30 days prior to the startup date.

301.4 The Air Pollution Control Officer shall be notified of the actual date of initial startup within five (5) days after such date.

**302 PERMIT TO OPERATE:** Any person operating an article, machine, equipment or other contrivance, the use of which may cause, eliminate, reduce, or control the issuance of air contaminants, shall first obtain a written permit from the Air Pollution Control Officer. Stationary sources subject to the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, must also obtain a Title V permit pursuant to the requirements and procedures of that rule.

**303 STANDARDS FOR GRANTING APPLICATIONS:**

303.1 The Air Pollution Control Officer shall deny an Authority to Construct or Permit to Operate, except as provided in Rule 502, NEW SOURCE REVIEW, if the applicant does not show that every article, machine, equipment or other contrivance, the use of which may cause, eliminate, reduce, or control the issuance of air contaminants, is so designed, controlled, equipped, and operated with such air pollution control equipment that it may be shown to operate without emitting or without causing to be emitted air contaminants in violation of these rules and regulations or of such state or federal statutes as may be enforceable by the Air Pollution Control Officer on the date the application is deemed complete. Permits to Operate, and permit amendments, for sources subject to the requirements of Title V of the Federal Clean Air Act as amended in 1990 (42 U.S.C. Section 7401 et seq.), and Rule 507, FEDERAL OPERATING PERMIT PROGRAM, must comply with all applicable federal requirements. In addition, the Air Pollution Control Officer shall require the applicant, as a condition of the Authority to Construct, to comply with the requirements of California Health and Safety Code Part 6, (Section 44300 et. seq.), Air Toxics "Hot Spots" Information and Assessment Act.

303.2 No Permit to Operate shall be granted, either by the Air Pollution Control Officer or the Hearing Board, for any article, machine, equipment or contrivance, the use of which may cause, eliminate, reduce, or control the issuance of air contaminants, which has been constructed or installed without authorization as required by Section 301 of this rule, until:

- a. The information necessary to enable the Air Pollution Control Officer to make the determination required by Section 303 of this rule, Rule 502, NEW SOURCE REVIEW, and Rule 507, FEDERAL OPERATING PERMIT PROGRAM, for those sources subject to that rule, is presented to the Air Pollution Control Officer; and
- b. Such article, machine, equipment or contrivance, is altered, if necessary, and made to conform to the standards set forth in Section 303 of this rule, elsewhere in these rules and regulations, and in the California Health and Safety Code.

303.3 In acting upon a Permit to Operate, if the Air Pollution Control Officer finds that the article, machine, equipment, or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or

reduce or control the issuance of air contaminants, has not been constructed in accordance with the Authority to Construct, he or she shall deny the Permit to Operate. The Air Pollution Control Officer shall not accept any further application for a Permit to Operate the article, machine, equipment, or other contrivance so constructed until he or she finds that the article, machine, equipment or other contrivance has been reconstructed in accordance with the Authority to Construct.

- 303.4 The Air Pollution Control Officer shall require enforceable emission limitations as permit conditions in authorities to construct and Permits to Operate to assure the permanence of surplus actual emissions reductions applied for use as internal reductions or emission reduction credits in accordance with Rule 502, NEW SOURCE REVIEW; Rule 504, EMISSION REDUCTION CREDITS; and Rule 507, FEDERAL OPERATING PERMIT PROGRAM.
- 303.5 The Air Pollution Control Officer shall determine that an applicant for a permit to construct or modify a potential source of air contaminants located within 1,000 feet from the outer boundary of a school has complied with the applicable requirements of California Health and Safety Code Section 42301.6, preparation and distribution of a public notice, prior to approving an application for an Authority to Construct permit.
- 303.6 Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable requirements, including applicable provisions of the California State Implementation Plan, District Rules and Regulations, or State or Federal law.
- 303.7 No Permit to Operate shall be issued, modified, or renewed for stationary sources that are subject to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, unless the permit contains conditions consistent with those specified in that rule.

**304 PROVISION OF SAMPLING AND TESTING FACILITIES:** In addition to the monitoring and testing required to comply with state or federal laws or regulations, the Air Pollution Control Officer may, upon reasonable written notice or before an Authority to Construct or Permit to Operate is granted, require the applicant or the owner or operator of any article, machine, equipment, or other contrivance, the use of which may cause the issuance of air contaminants, or the use of which may eliminate, reduce, or control the issuance of air contaminants to:

- 304.1 Provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the equipment in question. In the event of such a requirement, the Air Pollution Control Officer shall notify the applicant in writing of the required size, number and location of sampling holes; the size and location of the sampling platform; the access to the sampling platform; and the utilities for operating the sampling, testing, and air monitoring equipment. Such platform and access shall be constructed in accordance with the applicable General Industry Safety Orders of the State of California.
- 304.2 Provide and maintain sampling and monitoring apparatus to measure emissions of air contaminants when the Air Pollution Control Officer has determined that such apparatus is available and should be installed.

- a. Continuous emission monitoring systems as a minimum shall be installed when required, and to the performance specifications required, by Section 502 of this rule.
- b. A violation of emission standards of these rules, as shown by the stack-monitoring system, shall be reported by the owner or operator to the Air Pollution Control Officer within 96 hours, or such earlier time as may be required by Rule 404, UPSET CONDITIONS, BREAKDOWN AND SCHEDULED MAINTENANCE.
- c. In the event of a breakdown of monitoring equipment, the owner or operator shall notify the Air Pollution Control Officer within 48 hours and shall initiate repairs. The owner or operator shall inform the Air Pollution Control Officer of the intent to shutdown any monitoring equipment at least 24 hours prior to the event.
- d. Compliance with Subsection (b) and (c), above, does not exempt the owner or operator from applicable provisions of Rule 404, UPSET CONDITIONS, BREAKDOWN AND SCHEDULED MAINTENANCE, the emergency provisions of Rule 507, OPERATING PERMIT PROGRAM, pursuant to 40 CFR 70.6(g), or the separate reporting requirements of other federal regulations to which the stationary source or emissions unit is subject.

304.3 If the Air Pollution Control Officer determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of a numerical emission standard infeasible, the Air Pollution Control Officer may instead prescribe a design, operational, or equipment standard. In such cases, the Air Pollution Control Officer may require the installation or modification of process monitoring devices such that the design characteristics or equipment will be properly maintained, or that the operational conditions will be properly performed, so as to continuously achieve the assumed degree of control. To the extent applicable, reporting requirements for process monitors shall be the same as for continuous emission monitoring systems.

304.4 A person operating or using a stack monitoring system shall, upon written notice from the Air Pollution Control Officer, provide a summary of the data obtained from such systems. This summary of the data shall be in the form and manner prescribed by the Air Pollution Control Officer. The summary of data shall be available for public inspection at the office of the Air Pollution Control District. Records from the monitoring equipment shall be kept by the owner or operator for a period of two (2) years, during which time they shall be available to the Air Pollution Control Officer in such form as he or she directs.

304.5 The responsible official of a source using a stack monitoring system and subject to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, shall in addition to the requirements of Section 304.4, above, submit data summaries and retain monitoring records in accordance with the applicable federal requirements of that rule.

**305 TRANSFER:** An Authority to Construct or Permit to Operate shall not be transferable, whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another. In the event any person contemplates or desires to make any such transfer as herein above described, said

person shall make an application for authorization in accordance with Section 403 of this rule.

**306 PERMIT RENEWAL:** Except for Title V permits, which shall be renewed in accordance with Rule 507, FEDERAL OPERATING PERMIT PROGRAM, every Permit to Operate, except as specified below, shall be renewable annually on the permit's anniversary date, commencing one (1) year after the date of issuance.

306.1 Action to suspend or revoke the permit has been initiated and such action has resulted in a final determination to suspend or revoke the permit by the Air Pollution Control Officer or the Hearing Board and all appeals, or time for appeals, has been exhausted.

306.2 Fees applicable to the renewal of the permit(s) to operate have not been paid, as specified in Regulation 6, FEES.

306.3 The Air Pollution Control Officer shall review every Permit to Operate upon annual renewal, pursuant to Health and Safety Code Section 42301(e), to determine that permit conditions are adequate to ensure compliance with, and the enforceability of, District Rules and Regulations applicable to the article, machine, equipment, or contrivance for which the permit was issued. Applicable District Rules and Regulations shall include those which were in effect at the time the permit was issued or modified, or which have subsequently been adopted and made retroactively applicable to an existing article, machine, equipment, or contrivance, by the District Board of Directors. During this annual review the Air Pollution Control Officer shall reopen the permit if cause for reopening is discovered for a Permit to Operate issued pursuant to Rule 507, FEDERAL OPERATING PERMIT PROGRAM. The Air Pollution Control Officer shall revise the conditions, if such conditions are not consistent, in accordance with all applicable District Rules and Regulations.

306.4 The Air Pollution Control Officer may establish an annual permit renewal date for all Permits to Operate held by a stationary source. Thereafter, Permits to Operate shall be renewable that same day and month of each succeeding year, subject to any other requirements of these Rules and Regulations and of state law, regarding validity, voiding or revocation of permits.

**307 PERFORMANCE TESTING:** Within sixty (60) days after achieving the maximum production rate or the maximum rate of emissions to which the source is limited by enforceable conditions, but not later than one hundred eighty (180) days after initial startup of such source, or as otherwise required by the Air Pollution Control Officer to determine continuous compliance with emission limitations or to confirm emission reductions claimed, the owner or operator of such source shall conduct performance test(s) in accordance with methods and under operating conditions as are approved by the Air Pollution Control Officer and furnish the Air Pollution Control Officer a written report of the results of such performance test(s).

307.1 Such test(s) shall be at the expense of the owner or operator.

307.2 Testing shall be conducted with the source(s) of emissions operating at maximum capacity or other rate conforming to the maximum rate of emissions to which the source(s) are limited by enforceable condition(s).

307.3 The Air Pollution Control Officer may monitor such test and may also conduct performance tests.

- 307.4 The owner or operator of a source shall provide the Air Pollution Control Officer 15 days prior notice of the performance test to afford the Air Pollution Control Officer the opportunity to have an observer present.
- 307.5 The Air Pollution Control Officer may waive the requirement for performance tests if the owner or operator of a source has demonstrated by other means to the Air Pollution Control Officer's satisfaction that the source is being operated in compliance with all local, state, and federal regulations which are part of the California State Implementation Plan.

#### **400 ADMINISTRATIVE REQUIREMENTS**

**401 POSTING:** A person who has been granted a Permit to Operate any article, machine, equipment, or other contrivance described in Section 302 of this rule shall maintain a legible copy of said permit on the premises of the subject equipment. Other information, analysis, plans or specifications which disclose the nature, extent, quantity, or degree of air contaminants which are or may be discharged from such source shall be readily available for inspection by the Air Pollution Control Officer.

**402 ALTERING OF PERMIT:** A person shall not willfully deface, alter, forge, counterfeit, or falsify a Permit to Operate any article, machine, equipment, or other contrivance described in Section 302 of this rule. A permit amendment or revision requested by the owner or operator, other than an administrative permit amendment or an amendment pursuant to Subsection 306.3, shall require the filing of an application. For an administrative permit amendment, a responsible official may implement the change addressed in the written request immediately upon submittal of the request. The Air Pollution Control Officer shall take final action no later than sixty (60) days after receiving the written request for an administrative permit amendment.

402.1 After designating the permit revisions as an administrative permit amendment, the Air Pollution Control Officer may revise the permit without providing notice to the public or any affected state.

402.2 The Air Pollution Control Officer shall provide a copy of the revised permit to the responsible official and for Title V permits to the U.S. Environmental Protection Agency.

402.3 While the Air Pollution Control Officer need not make a completeness determination on a written request, the Air Pollution Control Officer shall notify the responsible official if the Air Pollution Control Officer determines that the permit cannot be revised as an administrative permit amendment.

**403 APPLICATIONS:** An application for an Authority to Construct, Permit to Operate, change of ownership, or an application for a permit amendment, permit reopening, or revision shall be filed in the manner and form prescribed by the Air Pollution Control Officer, and shall give all the information necessary to enable the Air Pollution Control Officer to make the determinations required by Section 303 of this rule, Rule 502, NEW SOURCE REVIEW; Rule 504, EMISSION REDUCTION CREDITS; and Rule 507, FEDERAL OPERATING PERMIT PROGRAM.

403.1 A responsible official representing the owner or operator shall certify the truth, accuracy and completeness of application forms.

403.2 When the information submitted with the application is insufficient for the Air Pollution Control Officer to make the determination required by Section 303 of

this rule, Rule 502, NEW SOURCE REVIEW, by Rule 507, FEDERAL OPERATING PERMIT PROGRAM, for subject sources, and any other applicable rule, regulation, or order, upon the written request of the Air Pollution Control Officer a responsible official shall supplement any complete application with additional information within the time frame specified by the Air Pollution Control Officer.

403.3 A responsible official shall promptly provide additional information in writing to the Air Pollution Control Officer upon discovery of submittal of any inaccurate information as part of the application or as a supplement thereto, or of any additional relevant facts previously omitted which are needed for accurate analysis of the application.

403.4 Intentional or negligent submittal of inaccurate information shall be reason for denial of an application.

403.5 An application for an Authority to Construct, Permit to Operate, or permit amendment or revision shall be accompanied by payment of the application filing fee specified in Regulation 6, FEES.

**404 ACTION ON APPLICATIONS:** The Air Pollution Control Officer shall notify the applicant in writing of his or her approval, conditional approval, suspension, or denial of the application for an Authority to Construct or Permit to Operate.

404.1 With the exception of applications of sources subject to the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, in the event said notification or notification of application completeness pursuant to Rule 502, NEW SOURCE REVIEW, is not received by applicant within 30 days of the filing of the application, or within 30 days of providing further information as required by Section 403, the applicant may, at his or her option, deem the application to construct or Permit to Operate denied.

404.2 Service of said notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the person(s) served or affidavit of the person making the service.

404.3 For sources subject to the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, action on applications for initial operating permits, permit renewal, or permit modification shall be taken in accordance of the provisions of that rule.

**405 CONDITIONAL APPROVAL:** The Air Pollution Control Officer may issue an Authority to Construct or a Permit to Operate subject to conditions which will bring the operation of any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, within the standards of Section 303 of this rule. The conditions shall be specified in writing. Commencing work under such an Authority to Construct, or operation under such a Permit to Operate, shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue an Authority to Construct or a Permit to Operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants, can operate under the revised conditions within the standards of Section 303 of this rule.

- 406 DENIAL OF APPLICATION:** In the event of a denial of an Authority to Construct or Permit to Operate, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefore. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the person(s) served or affidavit of the person making the service. The Air Pollution Control Officer shall not accept a further application unless the applicant has complied with the objections specified by the Air Pollution Control Officer as his or her reasons for denial of the Authority to Construct or the Permit to Operate.
- 407 DISCLOSURE:** The Air Pollution Control Officer, at any time, may require from an applicant, or holder of, any permit provided for in these rules and regulations, such information, analyses, plans, or specifications which will disclose the nature, extent, quality, or degree of air contaminants which are, or may be, discharged by the source for which the permit was issued or applied. The Air Pollution Control Officer may require that such disclosures be certified by a professional engineer registered in the State of California. A responsible official representing the owner or operator shall certify the truth, accuracy and completeness of disclosures. Studies necessary to provide such information shall be at the expense of the owner or operator of the source for which a permit was issued or applied.
- 408 EMISSION STATEMENT:** Upon the request of the Air Pollution Control Officer and as directed by the Air Pollution Control Officer, the owner or operator of any stationary source operation which emits or may emit oxides of nitrogen or reactive organic gas shall provide the Air Pollution Control Officer with a written statement, in accordance with Rule 503, EMISSION STATEMENT, showing actual emissions of oxides of nitrogen and reactive organic gas from that source.
- 409 SUSPENSION:** The Air Pollution Control Officer may suspend a permit if a holder of such permit willfully fails and refuses to furnish information, analyses, plans, and specifications, within a reasonable time, as requested by the Air Pollution Control Officer pursuant to California Health and Safety Code Section 42303, District Rules and Regulations, or any other law, rule, regulation, agreement, or order enforceable by the District. The Air Pollution Control Officer shall serve notice, in writing, of such suspension and the reasons therefor. Service of said notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the persons served or affidavit of the person making the service. The permit shall be reinstated when the Air Pollution Control Officer is furnished with all requested information, analyses, plans, and specifications.
- 410 CANCELLATION OF APPLICATION:** An Authority to Construct or Permit to Operate application may be canceled by the Air Pollution Control Officer:
- 410.1 At the request of the applicant; or
- 410.2 If additional information has been requested of the applicant in accordance with Section 403 without the subsequent submittal of information within a reasonable time.
- 411 CANCELLATION OF PERMIT TO OPERATE:** If, prior to the surrender of the operating permit, the Air Pollution Control Officer determines that the source or the emissions unit has been removed or fallen into an inoperable or un-maintained condition, the Air Pollution Control Officer may notify the owner of the intent to cancel the permit, providing the owner or operator with 30 days to respond. If the owner cannot demonstrate to the satisfaction of the Air Pollution Control Officer that the owner intended to operate again, or the owner does not respond within 30 days from the date a second noticing of the District's intent to cancel the permit is mailed by the District to the owner or operator, then

the Air Pollution Control Officer may cancel the permit and deem the source or emissions unit shutdown as of the last known date the source or emissions unit discharged emissions.

411.1 The owner or operator may request an extension of time, in writing prior to the end of the sixty (60) day period following the initial notice, from the Air Pollution Control Officer.

411.2 The Air Pollution Control Officer may grant an extension of time not to exceed ninety (90) days.

411.3 The owner or operator may claim emissions reductions resulting from the shutdown in accordance with the provisions of Rule 504, EMISSION REDUCTION CREDITS, prior to the end of the sixty (60) day period following the initial notice, or prior to the expiration of an extension.

411.4 The Air Pollution Control Officer shall advise, in writing, the owner or operator of the stationary source or emissions unit for which a permit is canceled of the cancellation decision.

411.5 The owner or operator may appeal the decision to cancel the permit pursuant to Section 413 of this rule.

**412 TEMPORARY PERMIT:** The Air Pollution Control Officer may issue a temporary Permit to Operate. The temporary Permit to Operate shall specify a reasonable period of time during which the article, machine, equipment, or contrivance may be operated in order for the District to determine whether it will operate in accordance with the conditions specified in the permit.

**413 APPEALS:** Within ten days after notice, by the Air Pollution Control Officer, of cancellation, suspension, denial, or conditional approval of an Authority to Construct, Permit to Operate, or emissions reduction credit application, the applicant or any other aggrieved person who participated in the permit issuance proceedings may petition the Hearing Board, in writing, for an order modifying or reversing that decision. The Hearing Board after public notice and a public hearing held within thirty days after filing the petition, may sustain or reverse the action of the Air Pollution Control Officer; such order may be made subject to specified conditions.

**414 COMPLIANCE DATES:** Notwithstanding earlier compliance dates for sources subject to the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, an application for a Permit to Operate shall be submitted to the Air Pollution Control Officer by March 21, 1994, for existing equipment constructed prior to September 21, 1993, except:

414.1 Existing internal combustion engines constructed prior to September 21, 1993, with a manufacturer's continuous rating of less than 150 brake horsepower and not subject to Section 112.1 shall submit an application for Permit to Operate by September 21, 1994.

414.2 Existing boilers constructed prior to September 21, 1993, with a maximum heat input greater than 10,000,000 Btu per hour (gross) shall submit an application for Permit to Operate by September 21, 1994.

414.3 Existing boilers constructed prior to September 21, 1993, with a maximum heat input less than 10,000,000 Btu per hour (gross) and not subject to Section 112.2 shall submit an application for Permit to Operate by March 21, 1995.



## **500 MONITORING AND RECORDS**

### **501 TESTING PROCEDURES:**

- 501.1 General Requirements: Except as otherwise specified in the District Rules and Regulations, the State Implementation Plan, and the applicable federal requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, testing methods for determining compliance with emission limits shall be:
- a. The appropriate methods adopted by the California Air Resources Board and cited in Title 17, California Code of Regulations, Division 3, Subchapter 8, Compliance with Non-vehicular Emission Standards; or
  - b. The appropriate methods of 40 CFR part 50, Appendix M, Recommended Test Methods for State Implementation Plans; or
  - c. Any appropriate method of 40 CFR part 60, Appendix A, Test Methods; or
  - d. An alternative method following review and approval of that method by the California Air Resources Board and US Environmental Protection Agency.
- 501.2 Initial Boiling Point: ASTM D-1078-86, "Test Method for Distillation Range of Volatile Organic Liquids".
- 501.3 Vapor Pressure: ASTM D-2879-86, "Vapor Pressure-Temperature Relation and Initial Decomposition Temperature of Liquids by Isoteniscope".

### **502 MONITORING:** As applicable, each emission source subject to the requirements of Section 301 and 302 shall comply with the following monitoring requirements:

- 502.1 The requirements of Title 40, Code of Federal Regulations, Part 51, Appendix P, Minimum Emission Monitoring Requirements.
- 502.2 The applicable federal requirements for monitoring of Title V of the Federal Clean Air Act as amended in 1990 (42 U.S.C. Section 7401 et seq.).

### **503 RECORDKEEPING:**

- 503.1 The following records shall be maintained and provided to the Air Pollution Control Officer upon request.
- a. Emissions monitoring and process data records necessary for the determination and reporting of emissions, in accordance with applicable provisions of the District Rules and Regulations, shall be maintained. Records shall be kept for at least two years and shall be kept 5 years for sources subject to the applicable requirements of Title V and Rule 507, FEDERAL OPERATING PERMIT PROGRAM.
  - b. Other records of the nature and amounts of emissions or any other information as may be deemed necessary by the Air Pollution Control Officer to determine whether the stationary source or emissions unit is in compliance with applicable emission limitations, credited emission reductions, exemptions from rule provisions, or other requirements. The

information must include emission measurements, continuous emission monitoring system performance testing measurements, performance evaluations, calibration checks and adjustments, maintenance performed on such monitoring systems, and other records and reports required by Title 40, Code of Federal Regulations, Part 51, Appendix P, Minimum Emission Monitoring Requirements.

- c. Operation and maintenance plans shall be submitted to the District for all add-on capture and control equipment for review and approval by the Air Pollution Control Officer. Such plans shall demonstrate, though the use of specific recordkeeping requirements, continuous operation of the add-on control equipment when emission producing operations are occurring. The plan shall also specify records to be kept to document the performance of required periodic maintenance. Records shall be consistent with compliance time frames and employ the most recent US Environmental Protection Agency recordkeeping guidance.

503.2 The Air Pollution Control Officer may require recordkeeping to verify or maintain any exemption.